

EXHIBIT D

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3

4 MIGUEL ORTEGA, BENJAMIN ORTEGA,
a minor, by and through his Guardian
5 Ad Litem, ANA ROSA ORTEGA,
6 Plaintiffs,

7 -vs-

CASE NO. C07-02659 JCS

8 CITY OF OAKLAND, OAKLAND POLICE
DEPARTMENT, WAYNE TUCKER, in his
9 capacity as the Police Chief of the
City of Oakland, RAMON J. ALCANTAR,
10 individually and in his capacity
as a Police Officer for the City
11 of Oakland, BERNARD ORTIZ,
individually and in his capacity
12 as a Police Officer for the City of
Oakland, DOES 1 through 200,

13
14 Defendants.
15 _____/

16 DEPOSITION OF OFFICER RAMON ALCANTAR
17 JANUARY 16, 2008
18

19 REPORTER'S TRANSCRIPT OF PROCEEDINGS
BY CHERYL L. CHAUDOIR, CSR NO. 9501
20

21
22 CLARK REPORTING & VIDEOCONFERENCING
23 2161 SHATTUCK AVENUE, SUITE 201
24 BERKELEY, CA 94704
25 (510) 486-0700

CLARK REPORTING (510) 486-0700

Page 17

1 Q. So what does that have to do with your assigned
2 area?

3 A. What I was saying, every specialized or every
4 holiday or every Fourth of July, Cinco de Mayo, we have
5 plans like that, and that's why I don't recall that,
6 because we have so many of those.

7 Q. Okay. But this document does, in fact,
8 indicate that you were assigned on May 7th, 2006 to
9 patrol Foothill Boulevard between Bancroft -- or
10 Foothill and Bancroft between High Street and 73rd,
11 correct?

12 MR. VERBER: Objection. The document speaks
13 for itself. The witness has already indicated that he
14 does not have an independent recollection of it, and the
15 document does not refresh his recollection.

16 Q. (By Mr. Jacobsen) So you don't have a memory
17 one way or another of where you were assigned?

18 A. At that time it was East 14th -- well, they
19 congregate mainly on East 14th. Like you see on the
20 lineup, they are assigned different parts of East
21 Oakland where they congregate. We're specifically
22 assigned a certain area, unless other officers need help
23 or there's a larger group, then they just shift us over.

24 Q. So, at some point, do you believe you and
25 Officer Ortiz were shifted from Foothill/Bancroft to

CLARK REPORTING (510) 486-0700

Page 18

1 International Boulevard?

2 A. Correct. That's just mainly where they
3 congregate, but they congregate in different locations,
4 so for the City to cover every location, they have to
5 assign police officers at that location.

6 Q. At some point, do you believe that you and
7 Officer Ortiz were moved from your preassigned position
8 of Foothill/Bancroft to International Boulevard?

9 A. If directly by supervisor -- by supervisor
10 telling us to move, I don't recall. But I remember
11 several officers asking for assistance, and I know
12 that's why we were on East 14th a lot that night.

13 Q. Now, you refer to that night. What time did
14 the incident occur?

15 A. I would have to look at it to refresh my
16 memory.

17 Q. You don't have any recall of that?

18 A. No.

19 Q. Was it daylight? Was it dark?

20 A. It was daylight.

21 Q. And when you say "they tend to congregate," who
22 is "they"?

23 A. People celebrating Cinco de Mayo.

24 Q. Was there a Cinco de Mayo celebration on May
25 7th, 2006?

CLARK REPORTING (510) 486-0700

Page 41

1 Q. Do you speak Spanish?

2 A. Yes.

3 Q. Did you ever have any exchange in Spanish with
4 any members of the group?

5 A. It's possible. I don't recall.

6 Q. Okay. So the group started to walk off?

7 A. Yes.

8 Q. In which direction?

9 A. Southbound on the west side.

10 Q. So southbound on the avenue?

11 A. On that specific avenue.

12 Q. And, again, you don't recall whether that was
13 61st, 62nd, or 63rd Avenue, correct?

14 A. Correct.

15 Q. What were you trying to accomplish? Were you
16 trying to get the group to leave the corner?

17 A. Yes, several times.

18 Q. Okay. And so at this point the group left the
19 corner?

20 A. No. At that point it was -- my intention was
21 to arrest Benjamin. When I parked -- when we parked the
22 car, it was determined Benjamin was under arrest.

23 Q. Okay. But by the time -- when you parked the
24 car or Officer Ortiz parked the car --

25 A. Sergeant Ortiz parked the car.